

## House Resolution 1866

By: Representatives Hatfield of the 177<sup>th</sup>, Franklin of the 43<sup>rd</sup>, Loudermilk of the 14<sup>th</sup>, Hill of the 21<sup>st</sup>, Jerguson of the 22<sup>nd</sup>, and others

## A RESOLUTION

1 Bringing charges of impeachment against Thurbert E. Baker; and for other purposes.

2 WHEREAS, Thurbert E. Baker presently serves as the Attorney General for the State of  
3 Georgia; and

4 WHEREAS, Article V, Section III, Paragraph IV of the Constitution of Georgia provides:  
5 "The Attorney General shall act as the legal advisor of the executive department, shall  
6 represent the state in the Supreme Court in all capital felonies and in all civil and criminal  
7 cases in any court when required by the Governor, and shall perform such other duties as  
8 shall be required by law"; and

9 WHEREAS, on March 23, 2010, President Obama signed into law the federal Patient  
10 Protection and Affordable Care Act which was enacted by Congress; and

11 WHEREAS, none of the enumerated powers granted to Congress by the states under  
12 Article I, Section 8 of the United States Constitution can be remotely construed as authority  
13 to enact such legislation as the Patient Protection and Affordable Care Act, and therefore  
14 such power is reserved to the states as provided in the Tenth Amendment; and

15 WHEREAS, by letter dated March 22, Governor Sonny Perdue directed Attorney General  
16 Baker to institute and prosecute in the name of the state litigation challenging the Act on all  
17 possible legal grounds including, without limitation, the ground that the Act exceeds the  
18 power and authority granted to the Congress by the United States Constitution; and

19 WHEREAS, by letter dated March 24, 2010, Attorney General Baker replied to Governor  
20 Perdue that he would ignore the Governor's direction and would refuse to institute legal  
21 action, despite the Governor's clear and unambiguous command to do so and the Attorney  
22 General's clear and unambiguous duty to do so; and

23 WHEREAS, by failing and refusing to perform his constitutional and statutory duties,  
24 Attorney General Baker has abdicated his authority and has committed an act against the  
25 State of Georgia; and

26 WHEREAS, Attorney General Baker's shameful abdication of his lawful duties shows him  
27 unfit to serve the State of Georgia in the position of Attorney General; and

28 WHEREAS, Article III, Section VII, Paragraph I of the Constitution of Georgia provides that  
29 the House of Representatives shall have the sole power to vote impeachment charges against  
30 any executive or judicial officer of this state.

31 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
32 this body upon adoption of this resolution and articles of impeachment does hereby bring  
33 charges of impeachment against Attorney General Thurbert E. Baker.

34 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
35 and directed to appoint Managers of the charges of impeachment from the membership of  
36 the House of Representatives.

37 BE IT FURTHER RESOLVED that the Managers appointed by the Speaker of the House  
38 of Representatives are authorized and directed to transmit this resolution and the articles of  
39 impeachment to the Senate.